

**FINAL-FORM RULEMAKING
ENVIRONMENTAL QUALITY BOARD
[25 PA. CODE CHS. 121 AND 129]**

**VOC RACT Requirements for Shipbuilding and Ship Repair Surface Coatings, Large
Petroleum Dry Cleaning Facilities and Synthetic Organic Chemical Manufacturing
Industry Processes for the 2015 Ozone NAAQS**

The Environmental Quality Board (Board) amends Chapters 121 and 129 (relating to general provisions; and standards for sources) as set forth in Annex A to establish presumptive volatile organic compound (VOC) emission reasonably available control technology (RACT) requirements and RACT emission limitations for the following control techniques guidelines (CTG) source categories: shipbuilding and ship repair surface coatings; large petroleum dry cleaning facilities; and synthetic organic chemical manufacturing industry (SOCMI) air oxidation, distillation and reactor processes. This final-form rulemaking adds definitions to § 121.1 (relating to definitions); adds shipbuilding and ship repair surface coating requirements to § 129.52 (relating to surface coating processes); and adds §§ 129.63b and 129.71a (relating to control of VOC emissions from large petroleum dry cleaning facilities; and control of VOC emissions from the synthetic organic chemical manufacturing industry—air oxidation, distillation and reactor processes).

This final-form rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP) following publication of this final-form rulemaking in the *Pennsylvania Bulletin*.

This final-form rulemaking was adopted by the Board at its meeting of **DATE**, 2022.

A. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Jesse Walker, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board" and then navigate to the Board meeting of **DATE**, 2022).

C. Statutory Authority

This final-form rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth; and section 5(a)(8) of the APCA, which grants the Board the authority to adopt

rules and regulations designed to implement the provisions of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

D. Background and Purpose

Summary

This final-form rulemaking implements presumptive RACT measures to control VOC emissions Statewide from shipbuilding and ship repair facilities with surface coating operations, large petroleum dry cleaning facilities and SOCOMI air oxidation, distillation and reactor processes. While these final-form presumptive RACT measures are established for the control of VOC emissions from affected sources in the covered categories, the Department does not anticipate that the implementation of this final-form rulemaking will result in additional reductions of VOC emissions from the affected sources. The owners and operators of all affected facilities in this Commonwealth are currently subject to other regulatory or operating permit conditions, compliance with which will ensure that the affected owners and operators comply with the CTG-based VOC RACT standards, emission limitations and other requirements established in this final-form rulemaking. Rather, this final-form rulemaking is primarily designed to address administrative and cost issues for the regulated industries associated with the lack of Federally enforceable presumptive RACT regulations in the Commonwealth's SIP for the covered categories.

The inclusion of VOC emission RACT measures in the SIP for these source categories is a requirement under the CAA to demonstrate that the Commonwealth is implementing measures to attain and maintain the applicable ground-level ozone standards. Once approved into the SIP, these measures are Federally enforceable in addition to being enforced by the Commonwealth. The Department historically has addressed the Federally enforceable RACT status of the owners and operators of the sources covered by this final-form rulemaking by submitting the individual facility operating permits to the EPA as revisions to the SIP. This imposes administrative and cost burdens on the owners and operators of these facilities because each time the owner or operator wants to modify the facility, the change in the operating permit conditions must be submitted to the EPA as a revision to the SIP for that individual operating permit to demonstrate that RACT for the applicable ozone standard is maintained. The owner or operator of the facility bears the administrative burden and costs of advertising the change and conducting the required SIP public hearing and public comment period before the Department can submit the changes to the EPA for review and approval as a revision to the SIP.

An owner or operator of a subject source that incorporates presumptive RACT requirements established by regulation into the applicable operating permit does not need to submit an application to the Department to amend the individual operating permit for facility modifications that are covered by the presumptive RACT conditions. This relieves the affected owner and operator of the administrative burden and the costs associated with applying to the Department to modify operating permit RACT requirements and the administrative burden and costs of submitting Department-issued individual operating permits to the Administrator of the EPA for review and approval as revisions to the Commonwealth's SIP.

Additionally, the Commonwealth is required to submit a SIP revision to the EPA to address and certify that the Commonwealth's SIP contains RACT measures for attaining and maintaining the 2015 8-hour ground-level ozone National Ambient Air Quality Standard (NAAQS) for all categories of sources in this Commonwealth that are covered by a CTG. The Commonwealth is further required to demonstrate how it will bring the ground-level ozone nonattainment areas into attainment and maintenance of the 2015 8-hour ground-level ozone NAAQS. See 83 FR 62998 (December 6, 2018). The administrative burdens and costs for certification of RACT for the 2015 8-hour ground-level ozone NAAQS for the affected owners and operators subject to this final-form rulemaking are expected to be reduced or eliminated through the implementation of these final-form presumptive RACT measures and their incorporation into the SIP if approved by the EPA.

This final-form rulemaking is reasonably necessary to attain and maintain the health-based and welfare-based 8-hour ground-level ozone NAAQS and to satisfy related CAA requirements in this Commonwealth.

Ground-level ozone

VOC emissions are precursors to the formation of ground-level ozone formation, a public health and welfare hazard. Ground-level ozone is not emitted directly to the atmosphere by the processes subject to this final-form rulemaking, but forms from the photochemical reaction between emissions of VOCs and oxides of nitrogen (NO_x) in the presence of sunlight.

Ground-level ozone is a highly reactive gas which, at sufficiently high concentrations, can produce a wide variety of harmful effects. At elevated concentrations, ground-level ozone can adversely affect human health, animal health, vegetation, materials and personal comfort and well-being. It can cause damage to important food crops, forests, livestock and wildlife. Repeated exposure to ground-level ozone pollution may cause a variety of adverse health effects for both healthy people and those with existing conditions, including difficulty in breathing, chest pains, coughing, nausea, throat irritation and congestion. It can worsen bronchitis, heart disease, emphysema and asthma, reduce lung capacity and lead to increased morbidity. Asthma is a significant and growing threat to children and adults. High levels of ground-level ozone can affect animals in ways similarly to humans. High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of these final-form control measures to address ozone air quality nonattainment in this Commonwealth is reasonably necessary to protect the public health and welfare, animal and plant health and welfare and the environment.

National Ambient Air Quality Standards

The EPA is responsible for establishing NAAQS, or maximum allowable concentrations in the ambient air, for certain "criteria" pollutants considered harmful to public health and the environment. The criteria air pollutants are commonly found throughout the United States and currently include six air pollutants: ground-level ozone; particle pollution (often referred to as particulate matter); NO_x (with nitrogen dioxide (NO₂) as the indicator); carbon monoxide; sulfur dioxide; and lead. Section 109 of the CAA (42 U.S.C.A. § 7409) established two types of NAAQS: primary standards, which are limits set to protect public health; and secondary

standards, which are limits set to protect public welfare and the environment, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA established primary and secondary ground-level ozone NAAQS to protect public health and public welfare, including the environment.

In July 1997, the EPA promulgated primary and secondary ozone standards under section 109 of the CAA at a level of 0.08 parts per million (ppm) averaged over 8 hours. See 62 FR 38856 (July 18, 1997). In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. See 69 FR 23858, 23931 (April 30, 2004).

In March 2008, the EPA lowered the primary and secondary ozone NAAQS to 0.075 ppm (75 ppb) averaged over 8 hours to provide greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). In April 2012, the EPA designated five areas in this Commonwealth as nonattainment for the 2008 ozone NAAQS. See 77 FR 30087, 30143 (May 21, 2012). These areas include all or a portion of Allegheny, Armstrong, Beaver, Berks, Bucks, Butler, Carbon, Chester, Delaware, Fayette, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Washington and Westmoreland Counties.

On October 1, 2015, the EPA lowered the primary and secondary ozone NAAQS to 0.070 ppm (70 ppb) averaged over 8 hours for increased protection of the public health and welfare. See 80 FR 65292 (October 26, 2015). In June 2018, the EPA designated Bucks, Chester, Delaware, Montgomery and Philadelphia Counties as nonattainment for the 2015 ozone NAAQS. See 83 FR 25776 (June 4, 2018).

The Department's certified analysis of the 2021 ambient air ozone season monitoring data shows that all ozone samplers in this Commonwealth are monitoring attainment of the 2015 8-hour ozone NAAQS except these two: the Bristol sampler in Bucks County and the Philadelphia Air Management Services Northeast Airport in Philadelphia County. All ozone samplers in this Commonwealth are projected to monitor attainment of the 2008 and 1997 8-hour ozone NAAQS. The Department must ensure that the 1997, 2008 and 2015 ozone NAAQS are attained and maintained by implementing permanent and Federally enforceable control measures.

State Implementation Plans and Reasonably Available Control Technology

Section 110(a) of the CAA (42 U.S.C.A. § 7410(a)) gives the states the primary responsibility for achieving the NAAQS. Section 110(a) of the CAA provides that each state shall adopt and submit to the EPA a plan to implement measures (a SIP) to enforce the NAAQS or a revision to the NAAQS promulgated under section 109(b) of the CAA. A SIP includes the regulatory programs, actions and commitments a state will carry out to implement its responsibilities under the CAA. Once approved by the EPA as a revision to the SIP, the SIP-approved regulatory program, action or commitment is legally enforceable under both Federal and state law.

Section 172(c)(1) of the CAA (42 U.S.C.A. § 7502(c)(1)) provides that SIPs for nonattainment areas must include “reasonably available control measures,” including RACT, for sources of emissions of VOC and NO_x. The EPA defines RACT as “[t]he lowest emissions limitation that a

particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.” See 44 FR 53762 (September 17, 1979).

Section 183(e) of the CAA (42 U.S.C.A. § 7511b(e)) directs the EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from consumer and commercial products in ozone nonattainment areas. Section 183(e)(3)(C) of the CAA further provides that the EPA may issue a CTG document in place of a National regulation for a product category on the section 183(e) list when the EPA determines that the recommendations of the CTG, when implemented by the affected states, will be “substantially as effective as regulations” in reducing emissions of VOCs in ozone nonattainment areas.

Section 182(b)(2) of the CAA (42 U.S.C.A. § 7511a(b)(2)) provides that for moderate ozone nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emissions covered by a CTG document issued by the EPA prior to the area's date of attainment of the applicable ozone NAAQS. For RACT implementation purposes, the entire Commonwealth is treated as a "moderate" ozone nonattainment area because this Commonwealth is included in the Ozone Transport Region (OTR) established under sections 176A and 184 of the CAA (42 U.S.C.A. §§ 7506a and 7511c). Section 184(b) of the CAA (42 U.S.C.A. § 7511c(b)) addresses provisions for the SIP of a state included in the OTR. Section 184(b)(1)(B) of the CAA requires that states in the OTR, including the Commonwealth, submit a SIP revision requiring the implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG and not just for those sources that are located in designated nonattainment areas of the state. The EPA's final implementation rule for the 2015 ozone NAAQS also requires a state within the OTR to submit a SIP revision that demonstrates that it is meeting the RACT requirements of section 184(b) of the CAA for all portions of the state located in an OTR. See 83 FR 63036 (December 6, 2018); and 40 CFR 51.1316 (relating to requirements for an Ozone Transport Region). Consequently, the Commonwealth's SIP must include RACT requirements applicable to each subject source located in this Commonwealth, and not just to those sources located in designated ozone nonattainment areas, to control VOC emissions from existing stationary sources covered by a specific CTG.

In accordance with sections 172(c)(1), 182(b)(2), 183(e) and 184(b)(1)(B) of the CAA, the final-form amendments to § 129.52 and final-form §§ 129.63b and 129.71a establish VOC RACT emission limitations and other requirements for shipbuilding and ship repair facility surface coating operations, large petroleum dry cleaning facilities and SOCOMI air oxidation, distillation and reactor processes consistent with the recommendations of the following EPA documents: “Alternative Control Techniques Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities,” EPA-453/R-94-032, April 1994 (1994 SB ACT) and the “Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating),” 61 FR 44050 (August 27, 1996) (1996 SB CTG); “Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners,” EPA-450/3-82-009, September 1982 (1982 LPDC CTG); “Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry,” EPA-450/3-84-015, December 1984 (1984 SOCOMI CTG); and “Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic

Organic Chemical Manufacturing Industry,” EPA-450/4-91-031, August 1993 (1993 SOCOMI CTG).

The Department reviewed the RACT recommendations of the EPA included in the 1994 SB ACT and the 1996 SB CTG, the 1982 LPDC CTG and the 1984 and 1993 SOCOMI CTGs for their applicability as RACT measures necessary in this Commonwealth to reduce ground-level ozone. The Bureau of Air Quality has determined that the recommended measures provided in the CTGs are appropriate to be implemented in this Commonwealth as RACT for these source categories.

This final-form rulemaking is designed to implement RACT requirements consistent with the recommendations of the EPA in the applicable CTGs by regulation as presumptive air pollution control measures to address administrative and cost issues for the regulated industries associated with the lack of Federally enforceable presumptive RACT regulations in the Commonwealth’s SIP for the covered categories. An owner or operator of a subject source that incorporates presumptive RACT requirements established by regulation into the applicable operating permit does not need to submit an application to the Department to amend the individual operating permit for facility modifications that are covered by the presumptive RACT conditions. RACT requirements established by regulation that are approved by the EPA as revisions to the SIP also relieve the affected owner and operator and the Department of the administrative burdens and costs of submitting the individual source RACT operating permits and changes to the individual operating permit to the EPA as a revision to the SIP for that individual operating permit.

The Commonwealth is also required to submit a SIP revision to the EPA to address and certify that the Commonwealth’s SIP contains RACT measures applicable Statewide for attaining and maintaining the 2015 8-hour ground-level ozone NAAQS for all categories of sources in this Commonwealth that are covered by a CTG. The Commonwealth is further required to demonstrate how it will bring the ground-level ozone nonattainment areas into attainment and maintenance of the 2015 8-hour ground-level ozone standard. See 83 FR 62998. The administrative burdens and costs for certification of RACT for the 2015 8-hour ground-level ozone NAAQS for the affected owners and operators subject to this final-form rulemaking are expected to be reduced or eliminated through the implementation of these final-form presumptive RACT measures and their incorporation into the SIP if approved by the EPA.

Affected source categories

This final-form rulemaking applies to the owners and operators of shipbuilding and ship repair facilities with surface coating operations, large petroleum dry cleaning facilities and SOCOMI air oxidation, distillation and reactor facilities. The Department reviewed its databases, permits and general permits for sources under its jurisdiction and identified two shipbuilding and ship repair surface coating operations, one air oxidation operation, several reactors and distillation facilities and several small petroleum dry cleaning facilities that fit the source categories for RACT purposes. There are no large petroleum dry cleaning facilities in this Commonwealth that are impacted by this final-form rulemaking based on the petroleum solvent usage threshold of 32,493 gallons (123,000 liters) or more of petroleum solvent annually; small petroleum dry cleaners below the final-form applicable petroleum solvent usage threshold of 32,493 gallons (123,000 liters) annually are subject only to recordkeeping and reporting requirements, which are

existing obligations under applicable Federal new source performance standards (NSPS) requirements and permitting regulations. See 40 CFR Part 60, Subpart JJJ (relating to standards of performance for petroleum drycleaners). The owners and operators of the two shipbuilding and ship repair surface coating operations under the Department's jurisdiction that will be subject to this final-form rulemaking are subject to existing operating permit conditions; compliance with the existing operating permit conditions will ensure compliance with the applicable final-form RACT requirements. Another shipbuilding and ship repair surface coating facility in the City of Philadelphia is subject to a Philadelphia Air Management Services regulation that has been approved as a revision to the Commonwealth's SIP. The owners and operators of the SOCFI facilities are subject to Federal NSPS requirements (40 CFR Part 60, Subparts III, NNN and RRR (relating to Standards of performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes; Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations; and Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes)) or to existing operating permit conditions; compliance with the applicable NSPS requirements or the existing operating permit conditions will ensure compliance with the applicable final-form RACT requirements. Therefore, the owners and operators of existing facilities in this Commonwealth that will be subject to this final-form rulemaking are already subject to requirements that are equivalent to or more stringent than the applicable RACT requirements and emission limitations of this final-form rulemaking.

Public outreach

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) and the Small Business Compliance Advisory Committee (SBCAC) on the proposed rulemaking on October 15, 2020, and October 28, 2020, respectively. Other than two abstentions in the AQTAC vote, both committees voted unanimously to concur with the Department's recommendation to move the proposed rulemaking forward to the Board for consideration. The proposed rulemaking was discussed with the Citizens Advisory Council (CAC) Policy and Regulatory Oversight (PRO) Committee on November 9, 2020. On the recommendation of the PRO Committee, on November 17, 2020, the CAC concurred with the Department's recommendation to move the proposed rulemaking forward to the Board. The AQTAC, SBCAC and CAC meetings are advertised and open to the public.

The proposed rulemaking was adopted by the Board at its September 21, 2021, meeting and published in the *Pennsylvania Bulletin* on January 29, 2022. See 52 Pa.B. 689 (January 29, 2022). Three public hearings were held on March 1, 3 and 4, 2022, in Harrisburg, Pittsburgh and Norristown, respectively. The 66-day public comment period closed on April 4, 2022. The Department received one public comment. No one testified during the public hearings. The Independent Regulatory Review Commission (IRRC) separately submitted comments on the proposed rulemaking to the Board on May 4, 2022. The comments received on the proposed rulemaking are summarized in the Preamble to this final-form rulemaking and are also addressed in a separate Comment and Response Document that accompanies this final-form rulemaking. All comments on the proposed rulemaking were considered and addressed.

The Department presented the draft final-form regulation to AQTAC on August 18, 2022, and to the SBCAC on August 24, 2022, and briefed the committees on the comments received on the proposed rulemaking. The Department presented the draft final-form regulation to the CAC PRO on June 27, 2022. On the recommendation of the PRO Committee, on September 20, 2022, the CAC concurred with the Department's recommendation to present this final-form rulemaking to the Board for consideration.

E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking

§ 121.1. Definitions

This final-form rulemaking adds several terms and revises existing definitions to support the amendments under Chapter 129. The revisions to § 121.1 incorporate terms as they are defined in the EPA's CTGs or Federal NSPS regulations.

Subparagraph (ii)(B) in the definition of "nuclear specialty coating" is amended in this final-form rulemaking to add the ASTM test method for demonstrating that a coating is easy to decontaminate. Subparagraphs (ii)(A) and (ii)(C) are amended for clarity. No other changes are made to § 121.1 from proposed to this final-form rulemaking.

§ 129.52. Surface coating processes

This final-form rulemaking amends § 129.52 to add VOC RACT requirements and emission limits for shipbuilding and ship repair facilities with surface coating operations consistent with the EPA's 1996 SB CTG.

Subsection (a) is amended to establish that this section applies to a shipbuilding or ship repair facility with a surface coating operation that uses or applies more than 264 gallons of one or a combination of coatings listed in Table I, category 12.

Subsection (c)(1) is amended to require covered facilities to maintain daily records of volume percent of solids for a Table I surface coating process category 12 coating whose VOC content is expressed in units of weight of VOC per volume of coating solids.

Table I is amended to add compliance requirements and emission limits for the VOC content of surface coatings used at shipbuilding or ship repair facilities with coating operations.

This final-form rulemaking amends proposed footnote "b" under § 129.52, Table I, Category 12, to correct the conversion limit from 3,785 liter/gallon to 3.785 liter/gallon. This amendment changes the comma to a decimal point. This change is made in response to comments received on the proposed rulemaking. No other changes are made to § 129.52 from proposed to this final-form rulemaking.

§ 129.63b. Control of VOC emissions from large petroleum dry cleaners

This section establishes applicability requirements for large petroleum dry cleaners, definitions for terms used in this section, VOC emission limitations, compliance monitoring and

testing requirements, recordkeeping and reporting requirements and exemptions. The definitions for terms used in this section, VOC RACT requirements, limitations and exemptions for large petroleum dry cleaners are consistent with the EPA's 1982 LPDC CTG.

Subsection (a) requires the owner and operator of a petroleum solvent washer, dryer, solvent filter, settling tank, vacuum still, and other containers and conveyors of petroleum solvent used in petroleum dry cleaning facilities which consume 123,000 liters (32,493 gallons) or more of petroleum solvent annually to control their VOC emissions.

Subsection (b) defines the words and terms used in this section, unless the context clearly indicates otherwise.

Subsection (c) establishes the emission limitations for the owner and operator of a petroleum dry cleaning dryer and associated solvent filtration system. This section requires the owner or operator of a petroleum dry cleaning dryer or associated petroleum solvent filtration system to repair a petroleum solvent vapor or liquid leak within 3 working days after identification of the source of the leak.

Subsection (d) establishes compliance monitoring and testing requirements. These requirements include: (1) calculating VOC emissions using EPA test methods and prescribed specifications; (2) verifying the flow rate of recovered solvents to determine compliance; (3) determining compliance by following procedures specified in the subsection; and (4) performing weekly inspections to establish compliance with the requirements of the subsection.

Subsection (e) requires the owner or operator of a petroleum dry cleaning facility subject to this section to maintain records sufficient to demonstrate compliance.

Subsection (f) requires the owner or operator of a petroleum dry cleaning facility, who claims an exemption to certain requirements in proposed subsections (c)—(e), to maintain records of annual solvent consumption onsite for 5 years. This recordkeeping requirement enables the Department to verify that the applicability threshold in subsection (a) has not been exceeded.

This final-form rulemaking amends § 129.63b(e)(2) to delete the word “subsections” and add the word “subsection.” No other changes are made to § 129.63b from proposed to this final-form rulemaking.

§ 129.71a. Control of VOC emissions from the synthetic organic chemical manufacturing industry—air oxidation, distillation and reactor processes

This section establishes applicability requirements for a SOCFI facility and the standards for process vents, air oxidation unit processes, distillation operations and reactor processes. This section adds a table that lists regulated SOCFI chemicals. The VOC RACT requirements, emission limitations and exemptions in this section for SOCFI facility air oxidation, distillation and reactor processes are consistent with the EPA's 1984 SOCFI CTG and 1993 SOCFI CTG.

Subsection (a) establishes applicability requirements for the owner and operator of a SOCFI facility that has a vent stream originating from a process unit in which an air oxidation unit

process, distillation operation or reactor process produces one or more of the chemicals listed in Table 1 as a product, coproduct, byproduct or intermediate.

Subsection (b) establishes VOC control provisions and standards for process vents from air oxidation unit processes, distillation operations and reactor processes for the chemicals listed in Table 1 List of Regulated SOCOMI Chemicals.

This final-form rulemaking amends § 129.71a, Table 1, List of Regulated SOCOMI Chemicals, to delete three incorrect proposed lines of chemical categories and add two correct lines of chemical categories. The proposed line for the category “alcohols, C-11 or higher, mixtures” is deleted and the two proposed lines for the category “alcohols, C-12 or higher, unmixed” are deleted. The line “alcohols, C-12 or higher, mixtures” is added, with Xs in the columns for reactor and distillation CTG chemicals, distillation NSPS chemicals and reactor process NSPS chemicals. The line for “alcohols, C-12 or higher, unmixed” is added, likewise with Xs in the columns for reactor and distillation CTG chemicals, distillation NSPS chemicals and reactor process NSPS chemicals. No other changes are made to § 129.71a from proposed to this final-form rulemaking.

F. Summary of Comments and Responses on the Proposed Rulemaking

A commentator suggested a correction to footnote “b” associated with the proposed amendments to § 129.52, Table I, Category 12, Shipbuilding and Ship Repair Coatings. The commentator suggested that footnote “b” should be corrected as follows: “... multiply the limit by (3.785 liter/gallon).” The conversion constant had a comma instead of a decimal point, which would cause the regulated community to perform an improper calculation when converting from metric units to English/Imperial units. The Department agreed with the commentator and made the requested change.

The Independent Regulatory Review Commission (IRRC) provided three comments to the Board on the proposed rulemaking. IRRC requested the Board add a reference to “ASTM 4256-89 or 94” to the definition of “nuclear specialty coating” in this final-form rulemaking. The Department added the requested ASTM reference to the definition of “nuclear specialty coating.”

IRRC asked that a definition of the term “as supplied” be added to this final-form rulemaking to support the definition of “thinning ratio.” The Department responds that the term “as supplied” is already defined in § 121.1 and reads as follows:

As supplied—

- (i) The VOC and solids content of a coating, adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent as sold and delivered to the end user.
- (ii) For purposes of §§ 129.67a and 129.67b, the VOC concentration of an ink, coating, adhesive, fountain solution or cleaning solution that is purchased for use on a printing press.

IRRC suggested that the correction be made to the typographical error in footnote “b” as specified by the commentator. The Department has made this change.

No comments were received from the House and Senate Environmental Resources and Energy Committees.

G. Benefits, Costs and Compliance

Benefits

The Statewide implementation of the VOC emission control measures in this final-form rulemaking, along with other Federally enforceable VOC emission control measures in the Commonwealth’s SIP, will benefit the health and welfare of the approximately 12.8 million residents and the numerous animals, crops, vegetation and natural areas of this Commonwealth by controlling emissions of VOCs, which are precursors to the formation of ground-level ozone air pollution. Exposure to high concentrations of ground-level ozone is a serious human and animal health threat, causing respiratory illnesses and decreased lung function, leading to a lower quality of life. Improved ambient concentrations of ground-level ozone will reduce the incidences of hospital admissions for respiratory ailments including asthma and improve the quality of life for citizens overall. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ground-level ozone while engaged in activities that involve physical exertion.

Improved ambient concentrations of ground-level ozone will also lead to better social well-being through improved growth and yields of agricultural crop and commercial forest products, as well as increased survival of ornamental trees and shrubs used in residential and business-park landscaping. In addition to causing adverse human and animal health effects, the EPA has concluded that high levels of ground-level ozone affect vegetation and ecosystems, leading to reductions in agricultural crop and commercial forest yields by destroying chlorophyll; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests, and other environmental stresses, including harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas.

In addition to the emissions benefits, the owners and operators of new sources of VOCs for the covered source categories will not need to have individual operating permit requirements incorporated into the Commonwealth's SIP to meet Federal CAA RACT obligations. This will make addressing operating permit changes and source modifications for affected owners and operators easier and more efficient for future expansion of facilities and businesses in this Commonwealth.

Compliance costs

The RACT emission limitations established by this final-form rulemaking will not require the submission of applications for amendments to existing operating permits. The owners and

operators of the two shipbuilding and ship repair surface coating facilities under the Department's jurisdiction in this Commonwealth already have the applicable requirements or their equivalent incorporated in their operating permits. There are no large petroleum dry cleaners operating at or above the final-form applicable petroleum solvent usage threshold in this Commonwealth. The owners and operators of the affected SOCOMI units in this Commonwealth already have the EPA's NSPS standards incorporated into their existing operating permits. The final-form regulatory requirements will be incorporated into the operating permits as applicable requirements at the time of permit renewal, if less than 3 years remain in the permit term, as specified under § 127.463(c) (relating to operating permit revisions to incorporate applicable standards). If 3 years or more remain in the permit term, the requirements will be incorporated as applicable requirements in the operating permit within 18 months of the promulgation of this final-form rulemaking, as required under § 127.463(b). Most importantly, § 127.463(e) specifies that "[r]egardless of whether a revision is required under this section, the permittee shall meet the applicable standards or regulations promulgated under the Clean Air Act within the time frame required by standards or regulations." Consequently, upon promulgation, the applicable requirements of this final-form rulemaking will apply to affected owners and operators irrespective of a modification to the operating permit. Therefore, the owners and operators of affected facilities may each realize a savings equal to the fee for submitting an application for an amendment to an existing operating permit, along with the reduced administrative burden and associated costs of publishing the amended operating permit for public comment as a revision to the SIP, if an amendment to the permit application is not required.

There are no anticipated costs associated with this final-form rulemaking. This final-form rulemaking is designed to address administrative issues associated with the lack of a SIP-approved Federally enforceable CTG RACT-based requirements for these source categories in this Commonwealth. The Department anticipates cost savings for facility owners and operators and the Department as there will be no need to submit amendments to operating permits to the EPA as revisions to the SIP, especially for those owners and operators who incorporate the presumptive RACT requirements of this final-form rulemaking into their operating permits and for when a facility owner or operator needs to make permit modifications. The exact cost savings to owners and operators in terms of time and resources for avoiding SIP revisions or permitting actions will vary by type of facility and type of permitting action.

Compliance costs for the owners and operators of affected shipbuilding and ship repair surface coating operations, SOCOMI processes and large petroleum dry cleaners that result from this final-form rulemaking are expected to be negligible. The owners and operators of affected sources are already subject to requirements in their operating permits that are at least as stringent as the CTG RACT-based final-form requirements for each specific source category. Compliance with the applicable requirements in their operating permit will ensure compliance with the applicable requirements of this final-form rulemaking. The owners and operators of newly installed affected facilities are also subject to BAT and NSPS requirements that are at least as stringent as the final-form RACT requirements or have other operating permit conditions in place that are at least as stringent as the final-form RACT requirements. Compliance with the applicable BAT and NSPS requirements and other requirements will ensure compliance with the applicable final-form RACT requirements.

Compliance assistance plan

The Department will continue to educate and assist the public and the regulated community in understanding the final-form requirements and how to comply with them after promulgation of this final-form rulemaking. The Department will continue to work with the Department's provider of Small Business Stationary Source Technical and Environmental Compliance Assistance as well to provide assistance to the owners and operators of affected small businesses. These services are currently provided by the Environmental Management Assistance Program (EMAP) of the Pennsylvania Small Business Development Centers. The Department has partnered with EMAP to fulfill the Department's obligation to provide confidential technical and compliance assistance to small businesses as required by the APCA and section 507 of the CAA (42 U.S.C.A. § 7661f) and as authorized by the Small Business and Household Pollution Prevention Program Act (35 P.S. §§ 6029.201—6029.209).

In addition to providing one-on-one consulting assistance and onsite assessments, EMAP also operates a toll-free phone line to field questions from small businesses in this Commonwealth, as well as businesses wishing to start up in or relocate to this Commonwealth. EMAP operates and maintains a resource-rich environmental assistance web site and distributes an electronic newsletter to educate and inform small businesses about a variety of environmental compliance issues.

Paperwork requirements

The recordkeeping and reporting requirements for owners and operators of sources subject to this final-form rulemaking are minimal because the records required are in line with the records already required to be kept for emission inventory purposes and for other Federal and State requirements.

H. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to the owners and operators of facilities that permanently achieve or move beyond compliance.

In conjunction with other Federally enforceable control measures, implementation of the final-form RACT requirements will allow the Department and approved local air pollution control county agencies to maintain existing VOC emission reductions and potentially gain additional VOC emission reductions from the regulated sources in this Commonwealth, sustain the gains made in healthful air quality and ensure continued protection of the environment and the public health and welfare of the citizens of this Commonwealth. These regulations are reasonably necessary to attain and maintain the 2008 and 2015 ozone NAAQS and to satisfy related CAA requirements. Following publication as a final-form rulemaking in the *Pennsylvania Bulletin*,

this final-form rulemaking will be submitted to the EPA for approval as a revision to the Commonwealth's SIP.

I. *Sunset Review*

The Board is not establishing a sunset date for this final-form rulemaking because it is needed for the Department to carry out its statutory authority. The Department will closely monitor this final-form rulemaking after promulgation as a final-form regulation in the *Pennsylvania Bulletin* for its effectiveness and recommend updates to the Board as necessary.

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 4, 2022, the Department submitted a copy of the notice of proposed rulemaking, published at 52 Pa.B. 689 (January 29, 2022), and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on **DATE**, 2022, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on **DATE**, 2022, and approved this final-form rulemaking.

K. *Findings of the Board*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 52 Pa.B. 689.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this order.

(5) These regulations are reasonably necessary to attain and maintain the 2008 and 2015 ozone NAAQS and to satisfy related CAA requirements.

L. Order of the Board

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 129, are amended by adding §§ 129.63b and 129.71a and amending §§ 121.1 and 129.52 to read as set forth in this final-form rulemaking.

(b) The Chairperson of the Board shall submit this final-form regulation to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this final-form regulation to IRRC and the House and Senate Environmental Resources and Energy Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

(d) The Chairperson of the Board shall certify this final-form regulation and deposit it with the Legislative Reference Bureau, as required by law.

(e) This final-form regulation will be submitted to the EPA as a revision to the Commonwealth's SIP.

(f) This final-form regulation shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

RAMEZ ZIADEH, P.E.,
Acting Chairperson